



# **CITY OF SANTA BARBARA CITY COUNCIL MINUTES**

## **REGULAR MEETING March 18, 2008 COUNCIL CHAMBER, 735 ANACAPA STREET**

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### **CALL TO ORDER**

Mayor Pro Tempore Grant House called the joint meeting of the Council and the Redevelopment Agency to order at 2:01 p.m. (The Ordinance Committee met at 12:00 p.m., and the Finance Committee met at 1:00 p.m.)

### **PLEDGE OF ALLEGIANCE**

Mayor Pro Tempore House.

### **ROLL CALL**

Councilmembers present: Iya G. Falcone, Dale Francisco, Roger L. Horton, Helene Schneider, Mayor Pro Tempore House.

Councilmembers absent: Das Williams, Mayor Marty Blum.

Staff present: Acting City Administrator Joan M. Kent, City Attorney Stephen P. Wiley, Deputy City Clerk Susan Tschech.

### **PUBLIC COMMENT**

Speakers: Mike Foley, Casa Esperanza; Richard Robinson; Mr. Pennington; Dege Coutee; Kenneth Loch; Bret Hughes; Ruth Wilson; David Wass; Alex Chabbot; Michael Miller; Emily Sanders.

### **CEREMONIAL ITEMS**

1. Subject: Proclamation Declaring the 75th Anniversary of Santa Barbara Junior High School (120.04)

Action: Proclamation presented to John Becchio, Santa Barbara Junior High School Principal.

## **CONSENT CALENDAR (Item Nos. 2 – 8 and 10)**

The title of the resolution related to Item No. 8 was read.

**Motion:**

Councilmembers Falcone/Schneider to approve the Consent Calendar as recommended.

**Vote:**

Unanimous roll call vote (Absent: Councilmember Williams, Mayor Blum).

**2. Subject: Minutes**

Recommendation: That Council waive the reading and approve the minutes of the special meeting of February 29, 2008, and the adjourned regular meeting of March 3, 2008.

Action: Approved the recommendation.

**3. Subject: Donation Of Firefighting Equipment To The Fire Department (330.05)**

Recommendation: That Council accept the donation of two MSA Evolution 5200 Thermal Imaging Cameras from FLIR Systems in Goleta.

Action: Approved the recommendation (March 18, 2008, report from the Fire Chief).

**4. Subject: Increase In Purchase Orders For Structural Contract Plan Check Services (640.04)**

Recommendation: That Council approve two change orders with John A. Martin & Associates to increase funding for structural review services by the total amount of \$22,431.05.

Action: Approved the recommendation (March 18, 2008, report from the Acting Community Development Director).

**5. Subject: Agreement For Skofield Park Resident Caretaker (570.05)**

Recommendation: That Council authorize the Parks and Recreation Director to execute a Caretaker Rental Agreement for Skofield Park with Steven Spencer through February 28, 2011.

Action: Approved the recommendation; Agreement No. 22,709 (March 18, 2008, report from the Parks and Recreation Director).

6. Subject: Contract For Hydraulic Modeling Of The Wastewater Collection System - Phase 2 (540.13)

Recommendation: That Council authorize the Public Works Director to execute a contract with Akel Engineering Group, Inc. (Akel), in the amount of \$84,540 to further develop the wastewater collection system model, and approve expenditures up to \$12,500 to cover any cost increases that may result from contract change orders for extra work.

Action: Approved the recommendation; Contract No. 22,710 (March 18, 2008, report from the Acting Public Works Director).

7. Subject: Fiscal Year 2008 Interim Financial Statements For The Seven Months Ended January 31, 2008 (250.02)

Recommendation: That Council accept the Fiscal Year 2008 Interim Financial Statements for the Seven Months Ended January 31, 2008.

Action: Approved the recommendation (March 18, 2008, report from the Finance Director).

8. Subject: Medicare-Only Coverage For Eligible PERS Miscellaneous Members (430.06)

Recommendation: That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Authorizing Execution of the Application and Agreement for Medicare-Only Coverage for Eligible PERS Miscellaneous Members.

Action: Approved the recommendation; Resolution No. 08-017; Agreement No. 22,711 (March 18, 2008, report from the Administrative Services Director; proposed resolution).

Agenda Item No. 9 appears in the Redevelopment Agency minutes.

### NOTICES

10. The City Clerk has on Thursday, March 13, 2008, posted this agenda in the Office of the City Clerk, on the City Hall Public Notice Board on the outside balcony of City Hall, and on the Internet.

This concluded the Consent Calendar.

## **REPORT FROM THE ORDINANCE COMMITTEE**

Ordinance Committee member Grant House reported that the Committee met to resume its discussion of proposed amendments to the Zoning Ordinance, Title 28 of the Municipal Code. The Committee continued this item to a future meeting, at which time it will consider a draft resolution to be forwarded to the full Council.

## **REPORT FROM THE FINANCE COMMITTEE**

Finance Committee Chair Roger Horton reported that the Committee reviewed and approved Interim Financial Statements for the Seven Months Ended January 31, 2008, for both the City and the Redevelopment Agency. Both sets of statements were approved by the Council and Redevelopment Agency as part of this Agenda's Consent Calendar (Item Nos. 7 and 9, respectively).

## **CITY COUNCIL ADMINISTRATIVE AND ATTORNEY REPORTS**

### **COMMUNITY DEVELOPMENT DEPARTMENT**

11. Subject: Introduction Of Medical Marijuana Permanent Ordinance (520.04)

Recommendation: That Council:

- A. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Municipal Code by Adding Chapter 28.80 Establishing Regulations and Procedures for Medical Cannabis Dispensaries; and
- B. Refer the question of the proper amount of the Medical Marijuana Dispensary permit fee to the Council Finance Committee for comment prior to Council's adoption of the necessary fee resolution.

Documents:

- March 18, 2008, report from the Acting Community Development Director.
- Proposed Ordinance.
- Proposed revisions to Section Two of the ordinance, submitted by the City Attorney.

The title of the ordinance was read.

Speakers:

- Staff: Senior Planner Danny Kato, City Attorney Stephen Wiley.
- Members of the Public: Lynn Jessop, Jacob Maloy, Patrick Fourmy, Allen Bifano.

(Cont'd)

11. (Cont'd)

Motion:

Councilmembers Falcone/Schneider to approve the recommendations, revising the ordinance as recommended by the City Attorney.

Vote:

Unanimous voice vote (Absent: Councilmember Williams, Mayor Blum).

**RECESS**

3:45 p.m. - 3:59 p.m. Mayor Pro Tempore House was absent when the Council reconvened due to a conflict of interest related to his residence at property located near the property which is the subject of Item No. 12. Councilmember Horton presided for the remainder of the meeting.

**PUBLIC HEARINGS**

12. Subject: Appeal Of The Architectural Board Of Review Decision To Grant Preliminary And Final Approval Of Proposed Improvements At 924 Jimeno Road (640.07)

Recommendation: That Council deny the appeal and uphold the Architectural Board of Review (ABR) decisions to grant Preliminary and Final Approvals of the proposed project design at 924 Jimeno Road.

Documents:

- March 18, 2008, report from the Acting Community Development Director.
- March 17, 2008, letter from the Appellant.
- March 17, 2008, letter from David Fainer, Jr., Attorney representing the Applicant.
- List of homes on Jimeno Road with square footage statistics, submitted by the Attorney representing the Applicant.
- March 18, 2008, e-mail from Jean and Walter Stine.

Public Comment Opened:

4:00 p.m.

Speakers:

- Staff: Senior Planner Jaime Limon, City Planner Bettie Weiss, City Attorney Stephen Wiley.
- Architectural Board of Review: Chair Mark Wienke.
- Single Family Design Board: Vice-Chair Paul Zink.
- Appellant: Attorney Tony Fischer, Russ Jones.
- Applicant: Attorney David Fainer, Architect Vadim Hsu, Property Owner Mike Herendeen.
- Members of the Public: Benita Wilson, Jean Stine, Reed Wilson, Jim Westby, Clay Cole, Lynda Cole.

(Cont'd)

12. (Cont'd)

Public Comment Closed:  
5:44 p.m.

Recess: 5:44 p.m. - 5:50 p.m.

Motion:

Councilmembers Schneider/Falcone to deny the appeal and refer the project back to the full Architectural Board of Review for a new preliminary approval, with explicit direction to the ABR to reduce the apparent and actual height and massing of the project.

Vote:

Majority voice vote (Noes: Councilmember Horton; Absent: Councilmember Williams, Mayor Pro Tempore House, Mayor Blum).

**CHANGES TO THE AGENDA**

Item Continued to Future Meeting

Motion:

Councilmembers Falcone/Schneider to continue Agenda Item No. 13 to March 25, 2008.

Vote:

Unanimous voice vote (Absent: Councilmember Williams, Mayor Pro Tempore House, Mayor Blum).

13. Subject: Adoption Of City Of Santa Barbara 2008 Legislative Platform (160.02)

Recommendation: That Council:

- A. Adopt the proposed City of Santa Barbara 2008 Legislative Platform; and
- B. Authorize the Mayor, her designee in her absence, and staff, acting on behalf of the City of Santa Barbara, to contact state and federal representatives and send letters to advocate positions consistent with the goals of the City's Legislative Platform.

## ADJOURNMENT

Councilmember Horton adjourned the meeting at 6:49 p.m.

SANTA BARBARA CITY COUNCIL

CYNTHIA M. RODRIGUEZ, CMC  
CITY CLERK SERVICES MANAGER

|                     |                    |
|---------------------|--------------------|
| _____ ATTEST: _____ |                    |
| GRANT HOUSE         | SUSAN TSCHECH, CMC |
| MAYOR PRO TEMPORE   | DEPUTY CITY CLERK  |

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ROGER L. HORTON  
COUNCILMEMBER